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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,397	08/30/2001	Aaron S. Witt	D/A1466	8229

7590 09/06/2005

Patent Documentation Center  
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EXAMINER

HO, ANDY

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.:</b>	<b>Applicant(s)</b>	
	09/943,397	WITT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andy Ho	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 August 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. This action is in response to the amendment filed 8/12/2005.
2. Claims 21-29 have been examined and are pending in the application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

- (i) the computer (lines 2-3 claim 27; line 3 claim 28; lines 2, 4 claim 29). Corrections are required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih U.S Patent No. 6,798,545 in view of Lo U.S Patent No. 5,911,044.

**As to claim 21**, Shih teaches a method of scanning a document (Fig. 4) at an input scanner (scanner 40, Fig. 3) and recording image data derived from the document (...the scanning module 46 scan a document 48 and generate associate document image signals..., lines 66-67 column 2) at a selected destination computer (...the document image signals are transmitted across the network in an electronic mail format to the device 64; the electronic device 64 could be a personal computer, the application program 80 being a document scan processing program, and the document image signals are transmitted to the personal computer through the communication circuit control program 78..., lines 50-64 column 3) among a population of destination computers (to other machines via the Internet or a local network, line 66 column 1 to line 1 column 2), comprising:

entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner (using the touch-sensitive panel of the scanner to enter the email address of the destination or personal computer where the image should be sent to, lines 39-64 column 3, lines 32-61 column 4), the destination including a reference to a predetermined file location (files location of the receiver's e-mail address, lines 32-35 column 4) retained in the destination computer;

and image data moving from the input scanner directly to the destination computer (...the document image signals are transmitted across the network in an electronic mail format to the device 64; the electronic device 64 could be a personal computer, the application program 80 being a document scan processing program, and the document image signals are transmitted to the personal computer through the communication circuit control program 78..., lines 50-64 column 3).

Shih does not explicitly teach sending data to a destination port of the destination computer, and polling the file location.

Lo teaches a system of scanning image wherein the image is also being sent from the scanner to a destination port (image being sent to port 108 of client 102, Fig. 3) of the destination computer (...a network scanning system which allows an application program running on a client computer to control and receive information from an image scanner over a computer network, in a manner which is similar to having the scanner directly connected to the client computer..., lines 11-16 column 2); the destination computer polling the file location for incoming image data (client computer can access image file stored locally in the client computer, lines 28-30 column 3). It would have been obvious to apply the teachings of Lo to the system of Shih because the user can use the image in its running application as disclosed by Lo (lines 41-65 column 6).

**As to claim 22,** Shih as modified further teaches there being no server operatively interposed between the input scanner and the port associated with

the destination computer (scanning image being sent directly from the scanner to the personal computer, lines 50-64 column 3).

**As to claim 23**, Lo further teaches the destination computer not polling the port through which image data from the scanner enters the destination computer (client computer can access image file stored locally in the client computer, lines 28-30 column 3). Note the discussion of claim 21 above for the reasons of combining references.

**As to claim 24**, Lo further teaches the selected destination computer activating an image acquisition program in response to detecting incoming image data in the file location (...an application program 104 such as a program which acquires images. The application program may also process the image data which is acquired..., lines 43-45 column 6). Note the discussion of claim 21 above for the reasons of combining references.

**As to claim 25**, Lo further teaches a daemon within the destination computer conveying image data from the port to the file location (lines 31-62 column 19). Note the discussion of claim 21 above for the reasons of combining references.

**As to claim 26**, Shih as modified further teaches the input scanner scanning a document including a plurality of page images (document image signals, line 49 column 3).

**As to claim 27**, Lo further teaches the computer sending a template to the input scanner, the template including a network address of the computer (...the client computer 102 transmits the open session command of FIG. 7A to the

scanner server 102 including the client machine name, the client address and port number in step 742..., lines 30-33 column 19). Note the discussion of claim 21 above for the reasons of combining references.

**As to claim 28**, Lo further teaches in response to receiving a confirmation of receiving the template from the input scanner (the server 130 transmits the open session acknowledge command illustrated in FIG. 7B to the client in step 746), the computer retaining information about the input scanner (using the acknowledge command to make other communications to the scanner server, lines 39-62 column 19). Note the discussion of claim 21 above for the reasons of combining references.

**As to claim 29**, Lo further teaches the computer retaining information about the input scanner on a list of approved input scanners; and the computer refusing to accept image data from an input scanner not associated with the list of approved input scanners (the client communicates with determined scanner servers, 740 Fig. 14A). Note the discussion of claim 21 above for the reasons of combining references.

#### ***Response to Arguments***

##### **5. Applicant's response filed 8/12/2005 has been fully considered.**

Applicant filed an RCE with new claims in response to the Final Rejection mailed 5/17/2005 in which previous claims 1-20 are cancelled and new claims 21-29 are added. However, the applicant did not disclose any argument regarding the previous cited references. The examiner believes the new claims

are still met by the previous cited references as disclosed in the claims rejection above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or' Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICIAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICIAL faxes should not be signed, please send to (571) 273 – 3762

A.H

August 26, 2005

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